

REMARKS

The Examiner objected to claims 11-13 under 37 CFR 1.75(c) as being in improper form, depending on two independent claims, claim 1 and claim 8. Claims 11-13 have been amended to cure the defect.

Minor typographical errors have been corrected in claims 1, 8, and 15.

An error has been corrected by amending claims 7 and 14 to make claims 7 and 14 depend from claims 6 and 13 respectively.

The Examiner rejected claims 1-20 under 35 U.S.C. 102(e) as being anticipated by Terrell, *et al* (hereafter "Terrell") (US 2002/012 4108). Applicant submits that as currently amended, claims 1-14 are not anticipated by Terrell. Applicant traverses the rejection of claims 15-20.

Claim 1 has been rewritten to make it clear that the identification of the application, the identification of the application and client protocols, and the creation of the control path are carried out by an instrument system, which includes an instrument that makes measurements on external signals. The system and methods taught by Terrell do not include such an instrument system.

Hence, Applicant submits that Terrell does not anticipate claim 1 and the claims dependent therefrom.

Claim 8 has been rewritten to make it clear that the computer program embodied in the computer readable device causes the identification of the application, the identification of the application protocol and client protocol, and the creation of the control path to be carried out by an instrument system, which includes an instrument that makes measurements on external signals. The system and methods taught by Terrell do not include such an instrument system.

Hence, Applicant submits that Terrell does not anticipate claim 8 and the claims dependent therefrom.

Claim 15 requires a **management logic module** configured to carry out a series of method steps. The Examiner points to Terrell paragraphs [0036] [0031] [0057] [0134] [0080] [0004] [0028] and [0134] as teaching all the steps except for requiring that the application specific protocol differs from the client specific protocol. The Examiner points to page 3, [0022] for the additional teaching of the difference in protocols, as that paragraph states that the network may be “non-homogenous”.

First, Applicant submits that the Examiner has not identified any component within the system taught by Terrell as a management logic module, no less one configured to carry out the steps required by the claim.

Second, claim 15 requires that identification of the client specific protocol is obtained. The Examiner points to page 7, [0057] as providing this teaching. Applicant submits that the cited words “specified by the protocol to be used on the network” describe signal features of “serial data” on the network, in connection with Figure 2, a block diagram of two network nodes, but the cited paragraph does not teach anything regarding the protocol used by network device 130, identified by the Examiner as the client.

Third, claim 15 requires that identification of the application specific protocol is obtained. The Examiner points to page 17, [0134] as providing this teaching. Applicant submits that the cited words “application may provide indicia of protocol” concern the protocol “in each block associated with an MPC” (multiprotocol channel), but the cited paragraph does not teach that the protocol specific to any particular application is **identified**.

Fourth, claim 15 requires that a control path between the client and the application is automatically created. The Examiner points to page 10, [0080] as providing this teaching as it states “A VI channel may be activated by application program...Activation may be automatic....”. Applicant submits that the remainder of the second sentence quoted makes it clear that the activation is only automatic “in response to successful completion of” a complicated series of context creation steps, involving virtual memory allocations, password exchanges etc. Applicant submits that this is not equivalent to the automatic control path creation required by the claim.

Fifth, Applicant submits that the passage to which the Examiner points, as teaching that the application specific protocol differs from the client specific protocol, merely teaches

that the network may comprise links which differ in their protocol stacks. This means that one network link, for example, between one network device and one application may have one protocol while another network link, which may be between another network device and another application, may have a different protocol. There is no teaching in the cited passage that the protocol used **by a network device** on one link differs from the protocol used **by an application** with which that network device communicates via that link.

Hence, Applicant submits that Terrell does not anticipate claim 15 and the claims dependent therefrom.

Claims 2 and 9 depend from claims 1 and 8 respectively, and additionally require recording the identification of the client; recording the identification of the application; recording the identification of the client specific protocol; and recording the identification of the application specific protocol. The Examiner points to page 3, [0023] [0025] as providing the additional teaching as the cited passages refer to the provision of “data storage”. Applicant submits that the cited paragraphs do not provide any details on the nature of the data stored, beyond stating that the storage occurs “to support conventional distributed processing application programs” and “provide an operator interface”. The Examiner has not pointed to any teaching that the data comprise the identifications required by these claims. Hence, Applicant submits that there are additional grounds for allowing claims 2 and 9.

Claims 3 and 10 depend on claims 1 and 8 respectively and further specify that the application specific protocol differs from the client specific protocol. The Examiner looks to page 3, [0022] as providing this teaching as it states that the network may be “non-homogenous”. As noted above with respect to claim 15, Applicant submits that the non-homogeneity discussed in the cited passage concerns the difference between the protocol that **one pairing** of a network device and an application might use when communicating via a network link compared to the protocol that **another pairing** of a network device and an application might use when communicating via another network link. There is no teaching in the cited passage that the protocol used by a network device on one link differs from the protocol used by an application **with which that network device communicates via that**

link. Hence, Applicant submits that there are additional grounds for allowing claims 3 and 10.

Claims 4 and 11 depend on claims 1 and 8 respectively, and further specify repeating method steps for the client and a second application, wherein the second application is configured to communicate using a second application specific protocol and wherein the second application specific protocol differs from the application specific protocol. The Examiner points to page 3, [0021] & [0022] as providing the missing teachings. Applicant submits that the cited passages are silent regarding the use of two applications **by the same single network device** and regarding **those** two applications using different protocols. Hence, there are additional grounds for allowing claims 4 and 11.

Claims 5 and 12 depend from claims 1 and 8 respectively, and further specify repeating method steps for a second client and the application, wherein the second client is configured to communicate using a second client specific protocol and wherein the second client specific protocol differs from the client specific protocol. The Examiner points to page 3, [0021] & [0022] as providing the missing teachings. Applicant submits that the cited passages are silent regarding the use of two network devices **by the same single application** and regarding **those** two network devices using different protocols. Hence, there are additional grounds for allowing claims 5 and 12.

Claim 16 depends from claim 15 and further requires a communication logic module configured to receive communications from the client which conforms to the client specific protocol, to translate such communications into communications to which the application is configured to understand and to which the application is configured to appropriately react, and to transfer the translated communications to the application. The Examiner points to page 3, [0025], page 16, [0127]; and (page 6, [0043] as providing the additional teachings.

First, Applicant submits that the Examiner has not identified any element in Terrell as the communication logic module required by the claim. Moreover, the “protocol conversion”

discussed in the first cited passage concerns conversion carried out by a network device, i.e. the element identified by the Examiner as the client. Hence, this passage does not teach translation by a communication logic module configured to receive communications from the client, as the claim requires.

Second, the revision of indicia, i.e. labels taught in the second cited passage is simply a re-labeling, indicating the type of protocol used, which reflects “changes in network 202 or its nodes”. This is not equivalent to a conversion between the protocol used by the client and the protocol used by the application as the claim requires.

Third, the third cited passage is silent as to any translation occurring in the message that is transmitted via the network.

Hence, Applicant submits that there are additional grounds for allowing claim 16 and the claims dependent therefrom.

Claim 17 depends from claim 15 through claim 16 and further requires a server logic module configured to receive the communications from the client; and a translator logic module configured to receive the communications from the server logic module and to translate the received communications into communications to which the application is configured to understand and to which the application is configured to appropriately react, and to transfer the translated communications to the application.

First, the Examiner points to Fig. 1, page 3, [0027] as teaching the server logic module configured to receive the communications from the client. Applicant submits that the cited figure and passage merely teach that a server may be connected to a client via a network, but do not teach a **server logic module**.

Second, the Examiner points to page 3, [0025] and page 16, [0127]; as teaching the translation and page 6, [0043] as teaching the transmission required. As noted above with respect to claim 16, Applicant submits that the cited passages do not teach either the translation of one protocol to another or the transmission of a message that has undergone such a translation. Moreover, there is no teaching in the cited passages of a **translator logic module**.

Hence, Applicant submits that there are additional grounds for allowing claim 17.

Claim 18 depends from claim 15 through claim 16 and further requires that the application comprises a virtual instrument and an application component logic module and wherein the virtual instrument is configured to receive communications from the communication logic module and to perform any additional translation of the communications into communications to which the application component logic module is configured to understand and to which the application component logic module is configured to appropriately react. The Examiner points to the same passages cited above with respect to claim 16, as providing these additional teachings.

First, as noted above with respect to claim 16, Applicant submits that the cited passages do not teach either the translation of one protocol to another or the transmission of a message that has undergone such a translation.

Second, the Examiner has not pointed to any teaching regarding a virtual instrument, or an application component logic module.

Hence, Applicant submits that there are additional grounds for allowing claim 18.

Claim 19 depends from claim 15 through claim 16 and further requires an additional communication logic module configured to receive additional communications from an additional client, which conform to an additional client specific protocol, to translate such additional communications into communications to which an additional application is configured to understand and to which the additional application is configured to appropriately react. The Examiner points to the same passages cited above with respect to claim 16, as providing these additional teachings.

First, as noted above with respect to claim 16, Applicant submits that the cited passages do not teach either the translation of one protocol to another or the transmission of a message that has undergone such a translation.

Second, the Examiner has not pointed to any teaching regarding an additional communication logic module.

Hence, Applicant submits that there are additional grounds for allowing claim 19.

Claim 20 depends from claim 15 through claim 16 and further requires an additional communication logic module configured to receive additional communications from an additional client, which conform to an additional client specific protocol, to translate such additional communications into communications to which the application is configured to understand and to which the application is configured to appropriately react.

First, as noted above with respect to claim 16, Applicant submits that the cited passages do not teach either the translation of one protocol to another or the transmission of a message that has undergone such a translation. The Examiner points to the same passages to which the Examiner pointed with respect to claim 16, as providing these additional teachings.

Second, as noted above with respect to claim 19, the Examiner has not pointed to any teaching regarding an additional communication logic module.

Third, Applicant submits that the Examiner has not pointed to any teaching in the cited passages of a single application communicating with two clients, each employing a different protocol.

Hence, Applicant submits that there are additional grounds for allowing claim 20.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Calvin B. Ward".

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